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EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/798,043

Applicant(s)

KRAMER ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/10/04, 5/28/04</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Title***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Flexible Surface Lighting System with Replaceable LED Module.

### ***Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it uses phrases which can be implied. Correction is required. See MPEP § 608.01(b).

The Examiner respectfully suggests amending the abstract to read:

~~The present invention is a flexible surface lighting system with replaceable LED module. In particular, the present invention is directed to~~  
a A system with a set pair of soft flange extrusions and a more rigid base extrusion having with a channel for electrical leads and lighting. A preferred embodiment has a base extrusion of polyvinyl chloride (PVC) of 89-98 Duro on the Shore 00 scale ~~with a channel~~. The base extrusion is connected, on opposite sides of the channel, to a first flange extrusion and a second flange extrusion of PVC with a hardness of preferably of 90 Duro. Electrical leads are placed in the channel. A lens is inserted into the channel over the leads. A replaceable LED module having a circuit board secured to a module base is attached to the leads. The circuit board preferably has a gasket or seal, an LED and two contact teeth that make electrical contact with the leads.

### ***Specification***

3. The disclosure is objected to because of the following informalities: lines 5 and 6 of paragraph 15 should read: The contact teeth 24, 26 are preferably supported on the

circuit board 20 by a ~~The contact teeth 24, 26 are preferably~~ an electrically conductive material such.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 11 is indefinite as it is not clear if the limitation "*where the LED module is attached to at least two electrical leads in the channel below the lens*" (lines 11 and 12) is referring to the previously presented electrical leads (line 4), or defining a new set of leads.

The Examiner respectfully suggests amending lines 11 and 12 of Claim 11 to read: "where the LED module is attached to the at least two electrical leads in the channel below the lens; the circuit board having an LED and at least two contact teeth"

6. Claims 12-15 are rejected for their dependency on rejected Claim 11.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by  
HOFFMANN (U.S. Pat. 6,523,986).
8. HOFFMANN discloses an illumination system having:
  - **a base (as recited in Claim 1),** Figure 1, reference number 1;
  - **the base having a first hardness (as recited in Claim 1),**  
inherent;
  - **the base having a channel (as recited in Claim 1),** column 3,  
lines 10 and 11;
  - **the channel having opposing sides (as recited in Claim 1),**  
Figure 1, reference number 13;
  - **the base having a mount surface (as recited in Claim 1),** Figure  
1, reference number 11;
  - **a first flange (as recited in Claim 1),** Figure 1, reference number  
8;
  - **a second flange (as recited in Claim 1),** Figure 1, reference  
number 8;

- **the flanges having a second hardness (as recited in Claim 1), inherent;**
- **the flanges being attached to opposing sides of the channel (as recited in Claim 1), as seen in Figure 6;**
- **a lens (as recited in Claim 1), Figure 1, reference number 5;**
- **the lens being inserted into the channel (as recited in Claim 1), as seen in Figure 6;**
- **the lens being positioned between the first and second flanges (as recited in Claim 1), as seen in Figure 6;**
- **a lens buffer (as recited in Claim 2), Figure 1, reference number 15;**
- **the buffer being attached to the mount surface (as recited in Claim 2), as seen in Figure 1;**
- **the buffer supporting the lens (as recited in Claim 2), column 3, lines 24-28; and**
- **the lens buffer having a third hardness (as recited in Claim 3), inherent.**

9: Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by HOFFMANN (U.S. Pat. 6,523,986).

10. HOFFMANN discloses or suggests an illumination system having:

- **a base extrusion (as recited in Claim 11), Figure 1, reference number 1;**
- **the base extrusion having a first hardness (as recited in Claim 11), inherent;**
- **the base extrusion having a channel (as recited in Claim 11), column 3, lines 10 and 11;**
- **the channel having opposing sides (as recited in Claim 11), Figure 1, reference number 13;**
- **the base extrusion having a mount surface (as recited in Claim 11), Figure 1, reference number 11;**
- **at least two electrical leads (as recited in Claim 11), Figure 6, reference number 2;**
- **the leads being disposed in the channel (as recited in Claim 11), as seen in Figure 6;**
- **a first flange extrusion (as recited in Claim 11), Figure 1, reference number 8;**
- **a second flange extrusion (as recited in Claim 11), Figure 1, reference number 8;**
- **the flanges being made of polyvinyl chloride (as recited in Claim 11), column 3, lines 47-54;**



- **the flange extrusions having a second hardness (as recited in Claim 11), inherent;**
- **the flange extrusions being attached to opposing sides of the channel (as recited in Claim 11), as seen in Figure 6;**
- **a lens (as recited in Claim 6), Figure 1, reference number 5;**
- **the lens being inserted into the channel (as recited in Claim 11), as seen in Figure 6;**
- **the lens being positioned over the leads (as recited in Claim 11), as seen in Figure 6);**
- **the lens being positioned between the first and second flange extrusions (as recited in Claim 11), as seen in Figure 6;**
- **an LED module (as recited in Claim 11), as seen in Figure 7;**
- **the module including a circuit board secured to a module base (as recited in Claim 11), inherent;**
- **the LED module being attached to the leads (as recited in Claim 11), inherent;**
- **the circuit board having an LED (as recited in Claim 11), Figure 7, reference number 32;**
- **at least two contact teeth (as recited in Claim 11), as seen in Figure 7; and**
- **each contact tooth making electrical contact with one of the leads (as recited in Claim 11), inherent.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOFFMANN (U.S. Pat. 6,523,986).

12. HOFFMANN discloses an illumination system having:

- **a base (as recited in Claim 1),** Figure 1, reference number 1;
- **the base having a first hardness (as recited in Claim 1),**  
inherent;
- **the base having a channel (as recited in Claim 1),** column 3,  
lines 10 and 11;
- **the channel having opposing sides (as recited in Claim 1),**  
Figure 1, reference number 13;
- **the base having a mount surface (as recited in Claim 1),** Figure  
1, reference number 11;
- **a first flange (as recited in Claim 1),** Figure 1, reference number  
8;
- **a second flange (as recited in Claim 1),** Figure 1, reference  
number 8;

- **the flanges having a second hardness (as recited in Claim 1), inherent;**
- **the flanges being attached to opposing sides of the channel (as recited in Claim 1), as seen in Figure 6;**
- **a lens (as recited in Claim 1), Figure 1, reference number 5;**
- **the lens being inserted into the channel (as recited in Claim 1), as seen in Figure 6; and**
- **the lens being positioned between the first and second flanges (as recited in Claim 1), as seen in Figure 6.**

13. HOFFMANN discloses all the limitations of the claims, except:

- the first hardness is at least 94 Duro on the Shore 00 scale (as recited in Claim 4); or
- the second hardness being less than the first hardness (as recited in Claim 5).

14. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use a material having a hardness of at least 94 Duro on the Shore 00 scale to form the base of HOFFMANN (as recited in Claim 4), or softer material for the flanges than that of the base (as recited in Claim 5), since it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

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In this case, HOFFMANN discloses polyvinyl chloride (PVC) as the preferred material for the patented system (see column 3, lines 47-52), selecting a type of PVC having specific hardness for the base and flanges would have flown naturally to one of ordinary skill in the art as necessitated by the particular requirements of a given application.

15. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOFFMANN (U.S. Pat. 6,523,986).

16. HOFFMANN discloses an illumination system having:

- **a base extrusion (as recited in Claim 6),** Figure 1, reference number 1;
- **the base extrusion having a first hardness (as recited in Claim 6),** inherent;
- **the base extrusion having a channel (as recited in Claim 6),** column 3, lines 10 and 11;
- **the channel having opposing sides (as recited in Claim 6),** Figure 1, reference number 13;
- **the base extrusion having a mount surface (as recited in Claim 6),** Figure 1, reference number 11;
- **a first flange extrusion (as recited in Claim 6),** Figure 1, reference number 8;

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- **a second flange extrusion (as recited in Claim 6), Figure 1, reference number 8;**
- **the flanges being made of polyvinyl chloride (as recited in Claim 6), column 3, lines 47-54;**
- **the flange extrusions having a second hardness (as recited in Claim 6), inherent;**
- **the flange extrusions being attached to opposing sides of the channel (as recited in Claim 6), as seen in Figure 6;**
- **a lens (as recited in Claim 6), Figure 1, reference number 5;**
- **the lens being inserted into the channel (as recited in Claim 6), as seen in Figure 6; and**
- **the lens being positioned between the first and second flange extrusions (as recited in Claim 6), as seen in Figure 6.**

17. HOFFMANN discloses all the limitations of the claims, except:

- the base extrusion being made of polyvinyl chloride (as recited in Claim 6);
- the first hardness being 89-98 Duro on the Shore 00 scale (as recited in Claim 7); or
- the second hardness being less than the first hardness (as recited in Claim 8).

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18. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use polyvinyl chloride (PVC) as the material of the base extrusion (as recited in Claim 6), a PVC material having a hardness of at least 94 Duro on the Shore 00 scale to form the base of HOFFMANN (as recited in Claim 7), or softer PVC material for the flanges than that of the base (as recited in Claim 8), since it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945). In this case, HOFFMANN discloses PVC as the preferred material for the patented system, selecting a type of PVC having specific hardness for the base and flanges would have flown naturally to one of ordinary skill in the art as necessitated by the particular requirements of a given application.

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOFFMANN (U.S. Pat. 6,523,986) in view of MARCUS (U.S. Pat. 6,074,074).

20. HOFFMANN discloses or suggests an illumination system having:

- **a base extrusion (as recited in Claim 6), Figure 1, reference number 1;**
- **the base extrusion being made of polyvinyl chloride (as recited in Claim 6), see previous Section 13;**

- **the base extrusion having a first hardness (as recited in Claim 6), inherent;**
- **the base extrusion having a channel (as recited in Claim 6),**  
column 3, lines 10 and 11;
- **the channel having opposing sides (as recited in Claim 6),**  
Figure 1, reference number 13;
- **the base extrusion having a mount surface (as recited in Claim 6),** Figure 1, reference number 11;
- **a first flange extrusion (as recited in Claim 6),** Figure 1,  
reference number 8;
- **a second flange extrusion (as recited in Claim 6),** Figure 1,  
reference number 8;
- **the flanges being made of polyvinyl chloride (as recited in Claim 6),** column 3, lines 47-54;
- **the flange extrusions having a second hardness (as recited in Claim 6), inherent;**
- **the flange extrusions being attached to opposing sides of the channel (as recited in Claim 6),** as seen in Figure 6;
- **a lens (as recited in Claim 6),** Figure 1, reference number 5;
- **the lens being inserted into the channel (as recited in Claim 6),**  
as seen in Figure 6; and

- **the lens being positioned between the first and second flange extrusions (as recited in Claim 6), as seen in Figure 6.**

21. HOFFMANN discloses all the limitations of the claims, except a butt seal inserted in the channel (as recited in Claim 9).

22. MARCUS discloses an illumination system having:

- **a base extrusion (as recited in Claim 6), Figure 1, reference number 1;**
- **the base extrusion having a channel (as recited in Claim 6), Figure 1, reference number 2;**
- **the channel having opposing sides (as recited in Claim 6), as seen in Figure 1;**
- **the base extrusion having a mount surface (as recited in Claim 6), as seen in Figure 1;**
- **a first flange extrusion (as recited in Claim 6), as seen in Figure 1;**
- **a second flange extrusion (as recited in Claim 6), as seen in Figure 1;**
- **the flange extrusions being attached to opposing sides of the channel (as recited in Claim 6), as seen in Figure 1;**
- **a lens (as recited in Claim 6), Figure 1, reference number 5;**



- **the lens being inserted into the channel (as recited in Claim 6),**  
as seen in Figure 1;
- **the lens being positioned between the first and second flange**  
**extrusions (as recited in Claim 6),** as seen in Figure 1;
- **a butt seal (as recited in Claim 9),** Figure 1, reference number 22;  
and
- **the seal being inserted in the channel (as recited in Claim 9),**  
as seen in Figure 1.

23. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the butt seal of MARCUS in the patented system of HOFFMANN, to seal the channel from the environment and prevent moisture damage to the light sources or their circuit, as per the teachings of MARCUS (see column 6, lines 9-17).

24. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOFFMANN (U.S. Pat. 6,523,986).

25. HOFFMANN discloses or suggests an illumination system having:

- **a base extrusion (as recited in Claim 6),** Figure 1, reference  
number 1;

- **the base extrusion being made of polyvinyl chloride (as recited in Claim 6), see previous Section 13;**
- **the base extrusion having a first hardness (as recited in Claim 6), inherent;**
- **the base extrusion having a channel (as recited in Claim 6), column 3, lines 10 and 11;**
- **the channel having opposing sides (as recited in Claim 6), Figure 1, reference number 13;**
- **the base extrusion having a mount surface (as recited in Claim 6), Figure 1, reference number 11;**
- **a first flange extrusion (as recited in Claim 6), Figure 1, reference number 8;**
- **a second flange extrusion (as recited in Claim 6), Figure 1, reference number 8;**
- **the flanges being made of polyvinyl chloride (as recited in Claim 6), column 3, lines 47-54;**
- **the flange extrusions having a second hardness (as recited in Claim 6), inherent;**
- **the flange extrusions being attached to opposing sides of the channel (as recited in Claim 6), as seen in Figure 6;**
- **a lens (as recited in Claim 6), Figure 1, reference number 5;**

- **the lens being inserted into the channel (as recited in Claim 6), as seen in Figure 6; and**
- **the lens being positioned between the first and second flange extrusions (as recited in Claim 6), as seen in Figure 6.**

26. HOFFMANN discloses all the limitations of the claims, except the base and flange extrusions being co-extruded (as recited in Claim 10).

27. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to co-extrude the base and flange extrusions, since it has been held by the courts that patentability of a product does not depend on its method of production. If the product in the product-by-process claim is disclosed, or suggested, by the Prior Art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985).

28. Claims 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOFFMANN (U.S. Pat. 6,523,986) in view of MARCUS (U.S. Pat. App. 2002/010000).

29. HOFFMANN discloses or suggests an illumination system having:

- **a base extrusion (as recited in Claim 11), Figure 1, reference number 1;**

- **the base extrusion having a first hardness (as recited in Claim 11), inherent;**
- **the base extrusion having a channel (as recited in Claim 11),**  
column 3, lines 10 and 11;
- **the channel having opposing sides (as recited in Claim 11),**  
Figure 1, reference number 13;
- **the base extrusion having a mount surface (as recited in Claim 11),** Figure 1, reference number 11;
- **at least two electrical leads (as recited in Claim 11),** Figure 6,  
reference number 2;
- **the leads being disposed in the channel (as recited in Claim 11),** as seen in Figure 6;
- **a first flange extrusion (as recited in Claim 11),** Figure 1,  
reference number 8;
- **a second flange extrusion (as recited in Claim 11),** Figure 1,  
reference number 8;
- **the flanges being made of polyvinyl chloride (as recited in Claim 11),** column 3, lines 47-54;
- **the flange extrusions having a second hardness (as recited in Claim 11),** inherent;
- **the flange extrusions being attached to opposing sides of the channel (as recited in Claim 11),** as seen in Figure 6;

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- **a lens (as recited in Claim 6), Figure 1, reference number 5;**
- **the lens being inserted into the channel (as recited in Claim 11), as seen in Figure 6;**
- **the lens being positioned over the leads (as recited in Claim 11), as seen in Figure 6);**
- **the lens being positioned between the first and second flange extrusions (as recited in Claim 11), as seen in Figure 6;**
- **an LED module (as recited in Claim 11), as seen in Figure 7;**
- **the module including a circuit board secured to a module base (as recited in Claim 11), inherent;**
- **the LED module being attached to the leads (as recited in Claim 11), inherent;**
- **the circuit board having an LED (as recited in Claim 11), Figure 7, reference number 32;**
- **at least two contact teeth (as recited in Claim 11), as seen in Figure 7; and**
- **each contact tooth making electrical contact with one of the leads (as recited in Claim 11), inherent.**

30. HOFFMANN discloses all the limitations of the claims, except:

- **the leads further having a non-conductive sheath (as recited in Claim 12);**

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- each contact tooth piercing the non-conductive sheath to make electrical contact with the leads (as recited in Claim 12);
- the module base including a set of snap tabs (as recited in Claim 14);
- the circuit board being secured to the module base by the snap tabs (as recited in Claim 14);
- the circuit board having a first support length (as recited in Claim 15);
- the circuit board having a second support length (as recited in Claim 15);
- the first support length being different in length from the second support length (as recited in Claim 15);
- the set of snap tabs having a first set of snap tabs (as recited in Claim 15);
- the first set of snaps tabs being separated by the first support length (as recited in Claim 15); and
- a second set of snap tabs being separated by the second support length (as recited in Claim 15).

31. MARCUS discloses an illumination device having:

- **at least two electrical leads (as recited in Claim 11), Figure 4, reference numbers 5-7;**
- **a lens (as recited in Claim 6), Figure 5, reference number 14;**

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- **an LED module (as recited in Claim 11), as seen in Figure 1;**
- **the module including a base, Figure 3, reference number 10;**
- **the module including a cover, Figure 3, reference number 9;**
- **the LED module being attached to the leads (as recited in Claim 11), inherent;**
- **the LED module having an LED (as recited in Claim 11), Figure 7, reference number 32;**
- **at least two contact teeth (as recited in Claim 11), Figure 3, reference number 17;**
- **each contact tooth making electrical contact with one of the leads (as recited in Claim 11), paragraph 0026, lines 1-9;**
- **the leads further having a non-conductive sheath (as recited in Claim 12), paragraph 0026, lines 3-6;**
- **each contact tooth piercing the non-conductive sheath to make electrical contact with the leads (as recited in Claim 12), paragraph 0026, lines 1-9;**
- **the module including a set of snap tabs (as recited in Claim 14), Figure 2, reference number 8;**
- **the module cover being secured to the module base by the snap tabs, paragraph 0021, lines 15-17;**
- **the module having a first support length, as seen in Figure 3;**

- **the module having a second support length, as seen in Figure 3;**
- **the first support length being different in length from the second support length (as recited in Claim 15), as seen in Figure 3;**
- **the set of snap tabs having a first set of snap tabs (as recited in Claim 15), as seen in Figure 3;**
- **the first set of snap tabs being separated by the first support length (as recited in Claim 15), as seen in Figure 3;**
- **a second set of snap tabs being separated by the second support length (as recited in Claim 15), as seen in Figure 3.**

32. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the illumination device of MARCUS in the patented illumination system of HOFFMANN, to be able to selectively and easily position the LED modules along the channel as desired or required by a particular application, as per the teachings of MARCUS.

#### ***Relevant Prior Art***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



**Ohkohdo et al.** (U.S. Pat. 6,386,733), **Serizawa et al.** (U.S. Pat. 6,406,173) and **Southard et al.** (U.S. Pat. 6,660,935) disclose illumination devices having LED modules electrically connected to a plurality of conductors by means of insulation piercing connectors.

**Winter** (U.S. Pat. 4,625,266), **Nagano** (U.S. Pat. 5,430,627), **Gagne** (U.S. Pat. 5,499,170) and **George** (U.S. Pat. 6,076,936) disclose illumination systems including an extruded member having a plurality of flanges flanking a channel, and a plurality of LED positioned within the channel. A lens closes the channel and covers the LED.

#### ***Allowable Subject Matter***

34. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a illumination system having a base extrusion, a pair of PVC flange extrusion, a lens and an LED module positioned in a channel formed by the base extrusion. At least two electrical leads are also disposed in the channel. The LED module includes a circuit board having an LED and at least two contact teeth, the contact tooth making electrical contact with one of the leads. A gasket covers a side of

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the circuit board, and the contact teeth traversing the thickness of the gasket to make electrical contact with the leads.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically a gasket covering a side of the circuit board with the contact teeth traversing the thickness of the gasket to make electrical contact with the leads, in combination with the recited structural limitations of the claimed invention.

### ***Conclusion***

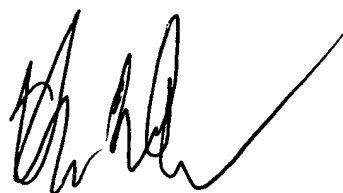
36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**

  
Inr

September 27, 2005